

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE CONSUMER)
DATA SECURITY BREACH LITIGATION) MDL No. 1:19md2915 (AJT/JFA)
_____)

This Document Relates to the Consumer Cases

**JOINT MOTION TO AMEND SCHEDULING ORDER PURSUANT TO
FED. R. CIV. P. 16(b)(4) AND MEMORANDUM IN SUPPORT**

The Court entered the Rule 16(b) Scheduling Order on January 30, 2020 setting forth the schedule for the litigation. (Doc. 304; *see also* Doc. 269.) On March 23, 2020, at the onset of the COVID-19 pandemic, the Parties jointly requested a modest modification schedule to account for anticipated delays in discovery. (Doc. 360.) After Defendants requested a 30-day extension of the substantial completion deadline, the schedule was further amended on May 12, 2020. (Doc. 448.) The current schedule sets an expert discovery schedule that requires that expert reports and related discovery be completed by February 23, 2021. (Doc. 448 at 1.)

Based on the pace of discovery to date, Plaintiffs indicated that they intended to seek a modification of the schedule related to expert reports. Defendants opposed. On September 18, 2020, Plaintiffs provided Defendants with a preliminary draft of the motion to modify the schedule with respect to expert reports and a further meet-and-confer ensued. The Parties agreed that, rather than engage in lengthy back and forth motion practice regarding the pace of fact discovery and related impact on expert reports, that the Parties and the Court would be better served by entering into a proposed stipulation with respect to expert reports and expert discovery. If approved by the Court the Parties will forgo motion practice on this issue.

The Parties therefore now respectfully request a modification to the schedule, which shifts the timetable for expert discovery by approximately two months, from the end of 2020 to early 2021, but does not change or impact any other dates. *See* Exhibit A.

CONCLUSION

For the reasons stated above, the Parties respectfully request that the Court grant their motion for a very modest amendment to the current Scheduling Order pursuant to Fed. R. Civ. P. 16(b)(4).

Dated: September 18, 2020

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

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